

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TRACEY JULIAO,

Plaintiff,

v.

Case No. 12-cv-14471  
Honorable Denise Page Hood

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. and U.S. BANK NATIONAL  
ASSOCIATION, as Trustee for Structured  
Asset Securities Corporation Mortgage Pass-  
Through Certificates, Series 2006 BC2,

Defendants.

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**ORDER DENYING MOTION TO STAY**

Plaintiff seeks an order staying the writ of eviction issued by the State Court pending Plaintiff's appeal of the order and judgment dismissing this case to the Sixth Circuit Court of Appeals. Defendants filed a response arguing the Court lacks jurisdiction over the motion to stay. An Order dismissing the action and a Judgment against Plaintiff were filed on March 19, 2013. Plaintiff filed a Notice of Appeal on April 5, 2013. The Motion to Stay was filed on April 9, 2013.

The filing of a notice of appeal confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal. *Taylor v. KeyCorp.*, 680 F.3d 609, 616 (6th Cir. 2012). The district court may only proceed with matters that are in aid of the appeal, such as rulings regarding pauper status, but not as to motions filed after a notice of appeal has been filed. *Id.*, n. 8; *McBride v. Lafler*, 2012 WL 3578736 at \*2 (E.D. Mich. Aug. 20, 2012).

Accordingly,

IT IS ORDERED that Plaintiff's Motion to Stay (**Doc. No. 14, filed April 9, 2013**) is

DENIED for lack of jurisdiction.

S/Denise Page Hood

Denise Page Hood

United States District Judge

Dated: June 4, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 4, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager